

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Daryl Bocook,

Case No. 3:16-cv-2291

Plaintiff,

v.

ORDER

Gary Mohr, *et al.*,

Defendants.

Plaintiff Daryl Bocook has filed a motion to proceed on appeal without preparing the appellate filing fee. (Doc. No. 87). He seeks to argue that I erred in granting summary judgment in favor of the remaining defendant, Brian Wittrup. (*Id.* at 2). I previously concluded Bocook had failed to establish a genuine dispute of material fact as to whether Wittrup retaliated against Bocook for exercising his First Amendment rights. (Doc. No. 83).

Section 1915 provides “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). A court may grant a motion to proceed in forma pauperis if the issues are arguable on their merits, even if the petitioner cannot show a probability of success on the merits. *See, e.g., Foster v. Ludwick*, 208 F. Supp. 2d 750, 765 (E.D. Mich. 2002). I conclude the issues Bocook raises are not frivolous, even if he is unlikely to succeed on appeal, and grant his motion to proceed in forma pauperis on appeal. (Doc. No. 87).

So Ordered.

s/ Jeffrey J. Helmick  
United States District Judge